IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

WP(C).No. 2688 of 2007(T)

PETITIONER:

K.P.MOHANSUNDARAM,
S/O.K.P.GOVINDAN NAIR, AGED 42 YEARS,
HSA (SS), PROTECTED, GHS THAYANNUR,
RESIDING AT PARVATHY NIVAS, CHAYOTH P.O.,
NEELASWARAM VIA, KASARGOD DISTRICT.

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENTS:

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1. THE DEPUTY DIRECTOR OF EDUCATION,
KASARGOD DISTRICT.

2. THE HEAD MASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
THAYANNUR.

BY GOVT. PLEADER SRI. A.J. VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 2688 OF 2007

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Dated this the 23rd day of January, 2007

JUDGMENT

Case of the petitioner is as follows:

He entered into service on 6.6.1994 as HSA (Social Science) and due to division fall he was protected. Petitioner was deployed in Vocational Higher Secondary School, Kasaragod when there was no live list of Public Service Commission was available. Again petitioner was redeployed during general transfer of 2004-2005 and posted at G.H.S. Thayannur in the existing vacancy. Some of the candidates who were placed in the PSC list approached this court contending that substantive vacancies are engaged by daily wagers and by protected teachers inspite of having vacancy at the parent School. This court directed to make an assessment of the substantive vacancies and report the same to the PSC. Petitioner is settled at Thayoth and residing with family. It is wrongly interpreting the judgment of this court that the first respondent transferred the petitioner to GHS, Kundamkuzhy against the unfilled vacancy of HSA (English) as a temporary arrangement. Petitioner has already preferred Ext.P6 and it is stated

that without considering the same he is going to be relieved.

3. I heard learned Government Pleader also. I feel that in the circumstances of the case there should be a decision taken on Ext.P6 as the case of the petitioner is that it is without properly appreciating Ext.P4 judgment that Ext.P5 order was passed.

Accordingly, there will be a direction to the first respondent to consider and take a decision on Ext.P6 in accordance with law within a period of two weeks from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.